

AMENDED IN SENATE JUNE 10, 1996

AMENDED IN SENATE MAY 8, 1996

AMENDED IN SENATE MARCH 13, 1996

AMENDED IN ASSEMBLY JANUARY 24, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 616

Introduced by Assembly Member Morrow
(Coauthors: Assembly Members Ackerman, Baugh, Conroy,
Granlund, Hawkins, and Rogan)

February 17, 1995

~~An act to amend Sections 17958.5, 17958.7, and 18941.5 of the Health and Safety Code, relating to buildings, An act relating to fire safety, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as amended, Morrow. ~~Building standards: fire safety~~ *Fire Behavior and Fire Spread Study Matching Fund.*

Existing law, known as the State Housing Law, generally regulates the construction, maintenance, occupancy, and use of buildings used for human habitation, including regulation of fire safety by the State Fire Marshal. ~~The State Housing Law generally requires the Department of Housing and Community Development and the State Fire Marshal to adopt and submit building standards for approval by the State Building Standards Commission and publication in the California Building Standards Code.~~

This bill would create in the State Treasury the continuously appropriated Fire Behavior and Fire Spread Study Matching Fund, as specified, for the purpose of providing matching funds to the State Fire Marshal for the purpose of conducting studies and tests to redefine the elements of fire behavior and fire spread in residential and commercial occupancies, thereby making an appropriation.

~~Existing law relating to building standards authorizes the governing body of a city or county to make changes or modifications in the requirements of the California Building Standards Code, and other regulations, as specified, when the city or county determines that it is reasonably necessary to do so because of local climatic, geological, or topographical conditions.~~

~~This bill would further authorize a city or county to make any reasonably necessary changes or modifications, as described above, based on local fire safety conditions and would make related changes to existing law.~~

The bill would provide that the Fire Behavior and Fire Spread Study Matching Fund shall continue in existence until January 1, 2000, unless a later enacted statute, enacted before January 1, 2000, deletes or extends that date.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. There is hereby established in the State
2 Treasury the Fire Behavior and Fire Spread Study
3 Matching Fund. The fund shall be used to provide to the
4 State Fire Marshal a sum, not to exceed one hundred fifty
5 thousand dollars (\$150,000) per year, equal to the amount
6 of all grants received by the State Fire Marshal for the
7 purpose of conducting studies and tests to redefine
8 elements of fire behavior and fire spread in residential
9 and commercial occupancies. Notwithstanding Section
10 13340 of the Government Code, the money in the fund is
11 continuously appropriated from the General Fund to the
12 State Fire Marshal for expenditure without regard to
13 fiscal years, for purposes of this section.



~~SEC. 2.—Section 17958.5 of the Health and Safety Code~~

~~This section shall continue in existence until January 1, 2000, unless a later enacted statute, enacted before January 1, 2000, deletes or extends that date.~~

~~is amended to read:~~

~~17958.5. (a) Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, fire safety, or topographical conditions.~~

~~For purposes of this subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions.~~

~~(b) On or before October 1, 1991, and each October 1 thereafter, the department, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the modifications and changes made by cities and counties to the building standards published in the California Building Standards Code, and on the more stringent requirements adopted by a city, county, or city and county pursuant to Section 13143.5, or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the modifications, changes, and more stringent fire and panic safety requirements. The report required pursuant to this section shall apply to modifications, changes, and more~~

~~stringent fire and panic safety requirements adopted or ratified on or after January 1, 1991.~~

~~SEC. 3. Section 17958.7 of the Health and Safety Code is amended to read:~~

~~17958.7. (a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that those modifications or changes are reasonably necessary because of local climatic, geological, fire safety, or topographical conditions. This finding shall be available as a public record. A copy of such findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the department. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the department.~~

~~(b) The department may reject a modification or change filed by the governing body of a city or county if no finding was submitted.~~

~~SEC. 4. Section 18941.5 of the Health and Safety Code is amended to read:~~

~~18941.5. (a) (1) Amendments, additions, and deletions to the California Building Standards Code adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.~~

~~(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.~~

~~(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish~~

1 ~~more restrictive building standards reasonably necessary~~
2 ~~because of local climatic, geological, fire safety, or~~
3 ~~topographical conditions. The governing body shall make~~
4 ~~the finding required by Section 17958.7 and the other~~
5 ~~requirements imposed by Section 17958.7 shall apply to~~
6 ~~that finding. Nothing in this section shall limit the~~
7 ~~authority of fire protection districts pursuant to~~
8 ~~subdivision (a) of Section 13869.7. Further, nothing in this~~
9 ~~section shall require findings required by Section 17958.7~~
10 ~~beyond those currently required for more restrictive~~
11 ~~building standards related to housing.~~

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